



Pacific PEER

Public Employees for Environmental Responsibility

June 25, 2021

National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A)
Washington, DC 20460

RE: FOIA Request

Dear FOIA Officer:

During a June 15, 2021 “stakeholder and partner meeting” on the Environmental Protection Agency’s (EPA) Scientific Integrity Policy, Francesca Grifo, the agency’s Scientific Integrity Officer stated that her staff had “quietly documented” alleged violations of the agency’s scientific integrity policy during the Trump era and pointed to a trove of evidence showing “political interference” with agency programs. She added: “now we have a lot of information to review and consider and we are actively working on it.”

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, Public Employees for Environmental Responsibility (PEER) requests information concerning the number, nature, and disposition of these reported scientific integrity violations and the activities of EPA’s Scientific Integrity Program SIP). Specifically, we request the following:

1. A summary of documented allegations of scientific integrity violations during the Trump presidency as referenced by Dr. Grifo;
2. A summary of documented instances of “political interference” during the Trump presidency, as referenced by Dr. Grifo;
3. The number of allegations of scientific integrity violations received by the SIP during FY 2019, FY 2020, and FY 2021, respectively;
4. The status and disposition of the allegations for the three fiscal years enumerated above, including a summary of any allegations substantiated in each of those years;
5. The number of times the SIP convened a review panel in each of those fiscal years, together with a summary of the subject matter, status, and disposition of those review panels;
6. The number of referrals made by the SIP to EPA’s Office of Inspector General in each of those three fiscal years, together with a summary of the nature of these referrals, their status, and disposition; and



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7. The number of Differing Scientific Opinions filed during each of those three fiscal years with a summary of their subject matter.

For any documents or portions of documents that you block release due to specific exemption(s) from the requirements of the Freedom of Information Act, please provide an index itemizing and describing the documents or portions of documents withheld. The index should, pursuant to the holding of *Vaughn v. Rosen* (484 F.2d 820 [D.C. Cir. 1973] cert. denied, 415 U.S. 977 [1974]), provide a detailed justification for claiming a particular exemption that explains why each such exemption applies to the document or portion of a document withheld.

To the extent that EPA needs to perform a detailed review, PEER requests that all fees be waived because “disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor” (5 U.S.C. 552 (a)(4)(A)):

1. The subject matter of the requested records must specifically concern identifiable operations or activities of the government.

The FOIA request is, by its terms, limited to identifiable activities of EPA and its employees.

2. For the disclosure to be “likely to contribute” to the understanding of specific government operations or activities, the releasable material must be meaningfully informative in relation to the subject matter of the request.

The documents would inform the public about how well the EPA SIP is performing, as evidenced by the indicators that the program itself used in its last published annual report, suggesting that it is the most meaningful indicia.

The materials would also indicate the extent to which the Trump administration interfered with program operations related to pollution control and protection of public health. The requested records would thus also reveal whether Dr. Grifo’s widely publicized assertions on this subject were well-founded.

Finally, the requested material would display meaningful information about how allegations of scientific misconduct were handled.

The nature of the material requested is the most informative possible relative to the subject matter of this request because it tracks the only known measures of the SIP performance.

3. The disclosure must contribute to the understanding of the public at large, as opposed to the understanding of the requestor or a narrow segment of interested persons.

As evidenced by public statements from President Joseph Biden and EPA Administrator Michael Regan, the scientific integrity of federal science is of paramount importance to the functioning of our government and the public confidence in the quality of those operations.

The subject matter of the requested material, while not yet enumerated, will cover a wide range of EPA operations affecting matters of environmental protection and public health of interest to wide segments of the American public.



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Moreover, the wide publicity generated by public statements on the topics touched by this request denote a broad public interest in the subject matter of this request. In addition, the fact that EPA maintains a section of its public website dedicated to the subject matter of this request further reinforces the perceived interest of this material by the public at large. Finally, the materials requested relate to statements by Dr. Grifo at a widely attended webinar requiring advance registration attended by a broad spectrum of interest, ranging from industry to academia.

PEER intends to provide the requested information to the general public through —

- Release to the news media;
- Posting on the PEER website which draws between 1,000 and 10,000 viewers per day; and
- Publication in the PEER newsletter that has a circulation of approximately 20,000, including 1,500 environmental journalists.

Through these methods, PEER generates an average of 1.5 mainstream news articles per day. Moreover, PEER has previously generated national media coverage on the subject matter of this request.

4. The disclosure must contribute “significantly” to public understanding of government operations or activities.

The requested records would aid public understanding of how a sensitive EPA program functioned both during the most challenging months of the Trump administration and during the first few months of the Biden presidency. Any contrast reflected in the requested material between the prior and present administration would be a major enhancement of public understanding of this program.

Further, the requested information includes outcome-related data. These outcomes would add a layer of information not heretofore known. Moreover, this outcome data would also inform the public about instances where faithful execution of laws administered by EPA had been thwarted and what, if anything, was done to remedy these serious transgressions of the public trust.

5. The extent to which disclosure will serve the requestor’s commercial interest.

Disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation’s resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code.

6. The extent to which the identified public interest in the disclosure outweighs the requestor’s commercial interest.

As stated above, disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with



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If you have any questions about this FOIA request, please contact me at (202) 265-PEER. I look forward to receiving the agency's final response within 20 working days.

Cordially,

Jeff Ruch
Pacific PEER Director